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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,521	07/31/2001	Heather Noel Bean	10011707-1	3650

7590 08/11/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

09/919,521

Examiner

John M. Villecco

Applicant(s)

BEAN ET AL.

Art Unit

2612

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on February 14, 2005.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 31 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

- In line 1 of claim 2, after the word "The", replace the word "apparatus" with the word – device –.
- In line 1 of claim 3, after the word "The", replace the word "apparatus" with the word – device –.
- In line 1 of claim 4, after the word "The", replace the word "apparatus" with the word – device –.
- In line 1 of claim 5, after the word "The", replace the word "apparatus" with the word – device –.
- In line 1 of claim 6, after the word "The", replace the word "apparatus" with the word – device –.

This amendment has been performed based on the fact that the preamble of claim 1 discloses an image capturing "device". Included within the image capturing device is a focusable lens "apparatus". Clearly, the limitations found in claim 2 are not directed towards the focusable lens apparatus, but are additional limitations of the device as claimed in the preamble.

Art Unit: 2612

Thus the amendment has been performed to clear up any confusion as to what the limitations of claims 2-6 are drawn.

### EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. Claims 1-27 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Regarding *claim 1*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest an electronically actuatable shutter device comprising a plurality of individually addressable and actuatable shutter elements, and a processor for controlling a focus depth of the lens apparatus and selectively actuating particular shutter elements of the shutter device associated with each of a plurality of focus depths during image capture.

As for *claim 7*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a still camera comprising a shutter device with individually addressable and actuatable shutter elements, which is operated by the method of capturing a first image at a first focus depth comprising a first subset of pixels, wherein the first subset of pixels is associated with a first subset of shutter elements, and obtaining a second image at a second focus depth, wherein the second subset of pixels is associated with a second subset of shutter elements, wherein the first and second subset of shutter elements are different from each other.

With regard to *claim 13*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a method for capturing a still image comprising the steps of accepting a first and second object designation corresponding to first and second object of an image, capturing a first image by exposing a first subset of pixels wherein the first image

Art Unit: 2612

includes an image of the first object, capturing a second image by exposing a second subset of pixel elements wherein the second image includes an image of the second object, and wherein the first subset of pixels is different than the second subset of pixels.

Regarding *claim 21*, the primary reason for allowance is that the prior art fails to teach or reasonably suggest accepting object designations of one or more objects, initiating an image capture in an image sensor, capturing a first object image by exposing a first subset of pixel elements, capturing a second object image by exposing a second subset of pixel elements, wherein the accepting step comprises designating a grouping of shutter elements substantially corresponding to an object.

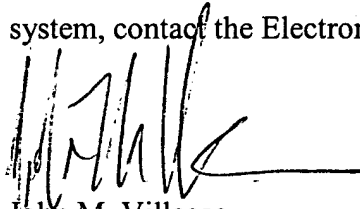
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco  
August 2, 2005



DAVID L. OMETZ  
PRIMARY EXAMINER